App. F. IX-4

1927

File No. 20-27

Previous References

Serial Nos. 1-2

Later References

General and Revenue Secretariat.

Serial Nos.

Part B for Jany 1929

SUBJECT

Suit re. Honnappanaidu Chatram Davangere.

GENERAL AND REVENUE SECRETARIAT

NOTES. Laee File No 20

FILE HEADING.

Suit re Honnappa Naidu Chetan
Davangere

From Deputy Comr
Chitaldrug

No. M.C 245/27-28 Dated 27—9—1927 Received 28/9/27

Diary No.	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that one Chetan was declared to be prohibitory & was entrusted to Venkatasamy vide Hera-proud that 4 shops were allocated and so Sub Divisn Officer ordered Amildar to take charge of the property and Honnappa Naidu has filed a

NOTES AND ORDERS.

Suit in Munsiff's Court Davangere & Levy declared attached - Willful - going decree under S. 80 of the C. P. C
Subd for perusal - Its for orders whether P.P. Shenoy may be asked to depend as a local lawyer engaged for the purpose The case was posted to 23—9—27 - It will be two costly perhaps to engage the P. P. as his Fee

NOTES—First Sheet. Abdelo

WD 1881—GPB—30,000—1-8-21

150

App E [III—2]

General and Revenue Secretariat. Mucr 88 Law File No. 20 of 1927-28

Serial No.

under Govt management. The matter would therefore seem to fall under the Religious and Charitable Institutions Regulation the Muzrai Branch may be consulted

Meanwhile as the case has once come on for hearing, the question of appointing a local pleader for defending Govt may be decided.

88 10/10

Secy (L-D)

From G.O. dated 30.10.1916 it is clear that the Chatram in question was built out of subscriptions collected from the public & that it was treated as public property

D.O's recommendation to appoint a local lawyer may be approved. He may file the W.S after taking instructions from me.

Fwd Secy to the Govt

88 21.10

21.10

Mr ST Pleasebuy adv.

Draft is put up. The D.C. has not stated from what source the cost of litigation should be met

Fwd Secy

88 25/10/27

for approval

25/10/27

Mucr 27.10.27

Note Contra sheet

WD 0324—GPB—60,000—24-5-27

Draft 27/10/27

GEN. & REV. SECRETARIAT 25 OCT 1927 MUZRAI D498

FINANCIAL SECRETARY Oct 22 SEP. 1927 No. 6092

W.S. Mucr 22/10

OFFICE OF THE SECRETARY COUNCIL 5 OCT. 1927 2187

General and Revenue Secretariat. Mem 2 File No. 88 of 1927-28

Serial No.	
2	To, D.C. Chitaldrug Memo Comptr L.Compts No 653-58 & 27-10-27. Sanctions the D.C's recommendation to engage the services of a local lawyer to defend the case etc

NOTE.—Contn. sheet

WD 0324—GPB—60,000—24-5-27

App. F. III—21

General and Revenue Secretariat. Law File No. 20 of 1927 / 28

Serial No.

It is for orders what direction should be given to D C re the matter and draft returning notice

2.11.27

Legal Rem.)

9) Pleader may be asked to obtain necessary additional copies of correspondence with the R in R. No. 10 of 1927

10/4

10) draft and return notice and conveying orders as at para 9 above

11.11.27

17/11

To the Dy Comr Chitaldrug

ROP 2470 Dt 12.11.27

Requests that the Pleader may be asked to take action

from M. N. Narasimha murthi, Pleader, Davanagere.

Forwards drafts of written Statements for approval of the Law Secy & Legal Rr with the Connected vernacular file.

~~Submitted for favour and approval.~~ The plaintiff claims to be the owner of the suit

NOTE—Contn. sheet

General and Revenue Secretariat. | File No. of 192

Serial No.

Properties known as "Homabba Naidu's Chattram" at Davanagere, it having been built out of joint family funds by the plaintiffs grandfather Mr Homabba Naidu. The suits as framed are merely for declaration of plaintiffs title. O.S. 503 of 23-24 was originally filed against Narasimhachar and O.S. 502 against Siddamma for ejectment and arrears of rent. The Govt of Mysore by Deputy Comr has been added as the 2nd deft in both the suits in September 1927. Notice under sec 80 C.P.C has been served on D.C on 20th Oct 1927. The defences raised in the draft written statement sent by the local pleader are

i) that the suit property is not the private property of the late Mr. Homabba Naidu but that it is a charitable institution built by the said Mr. Naidu out of moneys collected by public subscription

& ii) that since the purpose of the suit is to get rid of Govt order dated 31-10-16, the suit must be against Government and as such the Davanagere Munsiff's Court has no jurisdiction.

Additional grounds of defence open are:-

i) The 2nd deft is Govt of Mysore, hence he ought to be represented by Chief Secy

ii) Since the suit was instituted before notice under sec 80 was served, the suit is not maintainable

iii) Since the plff's father was adjudicated insolvent in 1912 & his title denied, the suit is barred by time. Vide Pol[n] dated 18-3-1915)

NOTE—Contn. sheet

Flag V in linked file.

WD 0324—GPB—60,000—24-5-27

5429

App F 111—21

General and Revenue Secretariat

Law File No. 20 of 192 /

Serial No.

4) Since under both orders dated 30-10-16 Plffs failed to get poss^{n} as a trustee, the Plff is estopped from denying the trust.

5) Since in 1926 on account of mismanagement govt have resumed management, the Plff is not in poss^{n} & consequently a mere declaratory suit is not maintainable.

Submitted for perusal & order with a draft W.S

BNJ 8.5.28.

Typed written statement as well as a draft of a letter to the Pleader at Davangere hereunto submitted for approval

Send W.S ~~to be sent~~ to the Pleader.

Draft letter app

8.5.

10/5

Law

To Mr N. Narasimha Murthy Pleader Davangere

P6879 dated 11-5-28

Returns the written statement to be filed on behalf of the 2d defendant in the suit as also the draft sent for approval & the vernacular records

order draft W.S with alterations approved Put it for hearing. 9.5.28

Srs BNJ 14/5/28

B BNJ 8/6/28

NOTE—Contn. sheet

WD 0824—GPB—60,000—24-5-27

1808
P&D

Tel: Address:—Depcom,
CHITALDRUG.

In reply, please refer to
No. M.2.C.245/27-8
Enclosures. file.

OFFICE OF THE DEPUTY COMMISSIONER,
CHITALDRUG DISTRICT.

Dated Chitaldrug,...27th Sept:.....192 7.

FROM

D. SRINIVASA IYENGAR, ESQ., B.A.,
Deputy Commissioner,
Chitaldrug District.

To

Secretary to the Government of Mysore,
Law ~~Local and Legislative~~ Departments,
BANGALORE.

Sir,

I have the honour to state that a building known as " Honnappa Naidu's Chatram " in the Davangere Town was ordered to be treated as a Public Property in 1913 as it was stated that the Chatr was built by public subscriptions. As the affairs of this Institutic were not in a satisfactory condition, the matter went up to Governmer at the instance of Mr. Honnappa Naidu's son - one Venaktaswamy Naidu and it was ordered in Go.No.3881-3/L.R.8-14-123 dated 30-10-16 that the Chatram and the shops attached thereto be entrusted to the care of Venakataswamy Naidu" subject to the conditions that he does not interfere with the charitable purposes to which the Chatram etc, have been hitherto ~~been~~ used, that the claims no alienable right in the properties devoted to charitable purposes and that mismanagement shall involve the resumption of the building &c., under Government management"

2. As, however, it subsequently came to the notice of the authorities that one Siddaramanna had puchased four shops belonging to the Chatram under a registered a sale deed for Rs 1,000/- from one Honnappa Naidu probably a member of the late Mr. Honnappa Naidu's family, in contravention of the above Government order and that the latter had taken no pains whatever to look after the building and keep it in good repairs, the previous Sub Division Officer Mr. Charles Noronha directed the Taluk Amildar to take charge of the property

property and evict those persons who had unauthorisedly taken possession of the same. Action is being taken accordingly by the Amildar.

3. A notice has been now received from the Munsiff Davangere to the effect that the said Honnappa Naidu has filed a civil suit against one Siddanna a tenant, for being declared as the Hakdar of the Chatram, shops with possession and for the recovery of the rental amounting Rs 36/-; the Deputy Commissioner of the District having been included as an additional defendant. The case is posted to 23-9-27 for hearing. But no previous notice has been received from the plaintiff nor does the copy of the plaint contains a statement that such notice has been so delivered as required by Secn 80 C.P.C. The attention of the Court will now be drawn to this intial defect Viz, want of 60 days notice before the institution of the suit.

4. In the meanwhile as the interests of Government are involved and it is therefore a fit case for being defended by Government, I request that necessary orders may kindly be issued to the Public Prosecutor Shimoga to contest the suit. Ifhowever it is considered that this would involve the payment of ~~bearing~~ heavy T.A. and other allowances to him, permission may be accorded to engage a local lawyer for the purpose and pay him the prescribed remuneration.

5. The entire records ending with Davangere Sub Division Officer's Memo No.R.3 C.267 of 27-28 dated 17-9-27 are herewith submitted for reference and obliging return when done with.

I have the honour to be

Sir,

Your most obedient Servant,

D-Srinivasa Iyengar

Deputy Commissioner,

Chitaldrug District.

2068
P 27

Tel: Address:—Depcom,
CHITALDRUG.

In reply, please refer to
No. M2 C 245/27-28
Enclosures. 1.

OFFICE OF THE DEPUTY COMMISSIONER,
CHITALDRUG DISTRICT.

Dated Chitaldrug,...22nd October 1927

Jothee ✓

Law 29/

FROM

D. SRINIVASA IYENGAR, Esq., B.A.,
Deputy Commissioner,
Chitaldrug District.

To R. Nagappa, Esq., Bar-at-law,
Secretary to the Government of Mysore,
Law ~~Local and Legislative~~ *Department,*
BANGALORE.

8/
25/10
25/10

Sir,

In continuation of my letter No. M2 C 245/27-28 dated 27th September 1927 re: the Civil suit launched against Government in respect of the Honnappa Naidu's Chatram in the Davangere town, I have the honor to submit herewith for your information and obliging return the notice received by me from the Plaintiff's Counsel, and to request that early orders of Government may kindly be obtained to defend the case as recommended by Government.

I have the honor to be,

Sir,

Your most obedient servant,

D. Srinivasa Iyengar

Deputy Commissioner,
Chitaldrug Dt.

dk

G.R.S. VI G 34]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

Date of issue.... 27-10-27

Signed by.....

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Section Mvz

File No. 88-27

Serial No. 2

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Pg. G. No. 3881-3/L.R. 8-14-123 & 30-10-1916 directing that ~~the~~ management of the building known as Hondaga Naidus chattram in the Davangere Town ~~be~~ and treated as a Public Property, ~~as it was constructed~~ by from public subscriptions that the chattram ~~and the site attached thereto~~ be

Order Thereon No.

entrusted to the care of Venkataswamy Naidu, son of Honnappa Naidu subject to ~~the~~ certain conditions & that he does not interfere with the

Assumption R -

charitable purposes to which the chattrams etc have been hitherto used; (2) that he claims no personal right in the properties devoted to charitable purposes; and (3) that mismanagement shall involve the resumption of the building etc; under Govt management

2) Letter No. M.C. 245 of 27-28 & 27.9.27 from the Dy. Comr. Chitaldrug Distt stating that a member of the late Hanumappa Nayaka family, Mr Hanumappa Nayaka, probably has filed a civil suit against one Siddanna, a tenant of the chattram, for declaration as the Hakdar of the chattram shops and with possession and for the recovery of the rental amounting to Rs 36 per mensem

List of enclosures.

Copied by –

Examined by

Dy Comr of the District has been requested as an additional

WD 1868—GPB—1,050,00—21-12-21

G. R S G/33]

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form.*)

Defendant; ~~and~~ & no previous notice from the Plaintiff has been received; and requesting permission to engage a local lawyer to defend the suit as the interests of Govt are involved in the case ~~and for payment from the proceeds of~~ ~~Remuneration~~

Order: 653-5
27-10-27

The Dy: Comrs recommendation to engage the services of a local ~~Lawyer~~ Lawyer as approved. He may be instructed to file the written statement after taking instructions from the Secretary to Govt, Law Deptt.

25/10/27
Secretary,
H. Deptt

~~The~~ The Dy Comrs is requested accordingly ~~in due~~ how the action of the opposite party is accepted by him.

27.10.27

To

The Dy: Comr: Chitaldrug
Dft
Mny: Comr in Mysore
for information
& Comply to Govt

S.D
28/10/27

Encl one file 5
By Comr
Chitaldrug

D 2230—GPB—1,00,000—23-7-20

2180
P 827

Tel: Address :—Depcom.
CHITALDRUG.

In reply, please refer to
No. M-2.C.245/27-28
Enclosures.

OFFICE OF THE DEPUTY COMMISSIONER,
CHITALDRUG DISTRICT.

Dated Chitaldrug. 31st October ..... *1927.*

FROM

The *Deputy Commissioner,*
Chitaldrug District.

To

The Secretary to Government,
Law Department, Bangalore.

Sir,

Adverting to Government order No.653-5/Muz.88-27-2 dated 27th instant in the matter of defending a civil suit launched by a member of the late Honnappa Naidu's family regarding the possession &c of a chattram in the management of Government in the Davangere town, I have the honor to request that the notice received from the plaintif under section 80 of the Criminal Procedure Code submitted to Government with this office No.M-2.C.245/1927-28 dated 22nd October 1927 may kindly be returned with instructions for necessary further actio being taken in the matter.

I have the honor to be,

S I R,

Your most obedient servant,

C. D. Srinivasa Iyengar

Deputy Commissioner,
Chitaldrug District.

APP. F. VI. Gl.]

UBJECT..... 1 b

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Section

File No.

Serial No.

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *192*

No. F 2470 (1)

To

The D. C.

Chitaldrug

Date of issue 12/11/27

Signed by M^r C.J.

Sir

With reference to your letter no M 2 C 285/27 - 28d 22-11-27 forwarding for confirmation of fact the notice received by you from Plaintiff's Counsel in respect of Hanumappa Nayaka Challavan in Davangere Court, I have the honour to state request that the pleader may be asked to obtain the necessary papers and correspond with the Legal Remembrancer, re the filing of the written Statement.

The notice is herewith returned as requested

List of enclosures.....

Copied by...

Examined by .....

over

I have &c

12/11 Asst Secy

WD 0562 -GPB—31,000—17-8-25

11/11

12/11 Law Sec

Tel: Address:—Depcom.
CHITALDRUG.

In reply, please refer to
No. M-2.C.245/27-28
Enclosures.

OFFICE OF THE DEPUTY COMMISSIONER,
CHITALDRUG DISTRICT.

Dated Chitaldrug. 21st November *1927.*

GEN. & REV. SECRETARIAT
22 NOV 1927
MUZRAI
0653

FROM

The *Deputy Commissioner,*
Chitaldrug District.

To

The Secretary to Government,
Financial Department
B a n g a l o r e.

Sir,

With reference to Government order No.653-5/Muz.88-27-2 dated 27th October 1927 sanctioning the engagement of the services of a local Lawyer to defend the suit filed by a member of the late Honnappa Naidu's family regarding the building known as "Honnappa Naidu's Chattram" in the Davangere town and also enquiring as to how the cost of the defence has to be met, I have the honor to state that the services of Mr.N. Narasimhamurti, pleader of Davangere have been engaged to defend the suit on behalf of Government and that his fees will not exceed the authorised scale. He has been instructed to obtain the necessary papers and correspond with the Legal ---- Remembrancer in re filing of the written statement &c as desired in letter No.J.2470(1) Law dated 12th November 1927 from the Law Secretary to Government.

The Sub Division Officer, Davangere, reports that there is a sum of Rs 98 at the credit of the institution (Chattram) and that another sum of Rs 80 is in the process of recovery. This amount may be utilised for meeting the cost of defence, if separate funds cannot be sanctioned for the purpose.

FINANCIAL SECTION
22 NOV. 1927
No. 7733

I have the honor to be,
S I R,
Your most obedient servant,

Deputy Commissioner,
Chitaldrug District.

20 law

5429
P824
ಸಾವಣಗೆರೆ

ಪ್ಲೀಡರ್ಸ್
ಬಿ. ಆರ್. ಚೌಡಯ್ಯ, ಎನ್ ನರಸಿಂಹಮೂರ್ತಿ.
ಸಿ. ಖಂಡೇರಾವ್, ಎಚ್ ಜಿ. ಕೃಷ್ಣರಾವ್,
ಜಾಯಿಂಟ್ ಆಫೀಸ್

Date 4/5/1928

From
Mr N. Narasimha Murti
Pleader
Davangere

8-1
5.5.28 law
To

The Legal Remembrancer
to the Government of Mysore
Bangalore

Sir,

I beg to state that B.V. Hannappa Naidu has pled two suits in OS 503/23-24 and 504/23-24 against Narasimhachar and Siddamma and in both these suits the Deputy Commissioner, Chitaldroog has since been as 2nd Defendant.

The suit relates to the Chattram known as "Hannappa naidus chattram at Davangere"

I herewith send Copy of the original Plaint, written Statement filed by the First Defendant—

Reply statement and reproduced The Copy of the ~~Plaint~~ subsequent plaint Copy for making the Deputy Commissioners as second Defendant is also Enclosed. The file relating to Liddamani's Suit is also Enclosed.

The Vernacular Correspondence Ending with Davangere Sub-Division Officers Memo No. R3 C 247/27-28 dated 9th November 1927 is also Sent herewith for reference

The Draft written Statement is herewith sent for favor of your approval as instructed by the Deputy Commissioner, Chitaldroog and Incorporation if necessary and return after the same is received back the written Statement will be written on petition paper and the Deputy Commissioners signature will be Attested and filed in Court

These two suits are for filing the written Statement on 14-5-28. I therefore request that the written Statement may

ಪ್ಲೀಡರ್ಸ್
ಬಿ. ಆರ್. ಚೌಡಯ್ಯ, ಎನ್. ನರಸಿಂಹಮೂರ್ತಿ,
ಸಿ. ಖಂಡೇರಾವ್, ಎಚ್ ಜಿ. ಕೃಷ್ಣರಾವ್,
ಜಾಯಿಂಟ್ ಆಫೀಸ್

ದಾವಣಗೆರೆ

Date 4/6/1928

Kindly be returned after approval before the 12th Instant to Enable me to file the Same in Court on 14.5.28 The written Statement will be Same in both the Cases

The only point which the Plaintiff Contends is that the building known as Hannappa naidu's Chatram was taken for rent for Rs. 10/- per mensem for holding the Sub-Durbar office from Mr. M.V Hannappanaidu and his Consent was obtained for incurring certain extraordinary & necessary repairs Vide for No 7361-5 R 2459. dated 15.2.1897 Vide Flag M It is evident from the Statement of the witnesses of Davangere that this Chatram was repaired before

for the subscriptions and hence Mr. M. V. Hannappanaidu had the same repaired. This Chattram became to be known locally as "Hannappa Naicans Chattram" The Deputy Commissioner seems to have written to Mr. Hannappanaidu as it was locally known as "Hannappanaicans Chattram and as he perhaps did not then know that this Chattram was originally built by Charakapath Raman

I request that the written statement may kindly be approved and returned at an early date with necessary instructions. The matter may kindly be treated as Urgent.

Three files of Correspondence

(3)

ಬಿ. ಆರ್. ಚೌಡಯ್ಯ, ಎನ್. ನರಸಿಂಹಮೂರ್ತಿ.
ಸಿ. ಖಂಡೇರಾವ್, ಎಚ್ ಜಿ. ಕೃಷ್ಣರಾವ್,
ಜಾಯಿಂಟ್ ಆಫೀಸ್.

ದಾವಣಗೆರೆ 10

Date _____ 192

are sent herewith for favor perusal
and return with the written Male.....
I beg to remain
Sir
Your most
Obedient Servant

K R Chowdaiya

To N. Narasimhamurti
Pleader
Davangere

\\

IN THE COURT OF THE MUNSIFF OF DAVANGERE

O.S. 503 of 1923-24.

Plaintiff.

Honnappa Naidu.

2nd Defendant

Government of Mysore

by Deputy Commissioner,

Chitaldrug.

Under order 8 rule 1 of the C.P.C. the Deputy Commissioner, Chitaldrug, begs to file the following written statement.

1. The 2nd defendant being the Government of Mysore, summons of the suit ought to have been taken to the Chief Secretary and not to the Deputy Commissioner.

2. The suit having been instituted against this defendant before the statutory notice required under Sec.80 of the C.P.C. was served is not maintainable and ought to be rejected.

3. The suit being against the Government of Mysore, the notice under section 80 C.P.C. ought to have been served on the Chief Secretary, and since no such notice has been served in this case, the suit has to be dismissed with costs.

4. This defendant is not aware of the allegations made in paras 1 and 2 of the plaint and puts the plaintiff to strict proof of them.

5. The suit properties belong to a Chattram which is a public charitable trust and consequently neither the late Honnappa Naidu nor his heirs have any private rights ~~in~~ over them.

12

6. The charity however was being managed by Mr. Honnappa Naidu and after his death by his son Mr. Venkatasami Naidu, the father of the present plaintiff, till 12-4-1922, as trustees. The properties were thereafter taken over to Government management whereupon on 18-3-1915, the said Venkatasami Naidu petitioned to the Government setting up his rights to possession of the properties and in para 5 of his petition undertook in case of restitution not to interfere with the charitable purposes to which the Chattram had hitherto been used.

Upon this petition the Government passed their order No.R.3881-3/L.R. 8-14-123 dated 30th October 1916 referred to in para 3 of the plaint, whereby the Chattram and the shops were entrusted to the care and management of the plaintiff's father as a trustee subject to the condition that he claimed no alienable right in the trust properties and that mismanagement involved the resumption by the Government.

7. Since the plaintiff's father was dispossessed in 1912 and his claim to possession of the suit properties in his own right was then alone denied, the present suit is barred by limitation.

8. The plaintiff is also estopped from denying the trust since his father got possession of the suit properties as a trustee under the orders of Government dated 30-10-1916 referred to above.

9. On account of the unauthorised alienations of the suit properties by plaintiff in 1925, the Government have resumed management in 1926 and the plaintiff being out of possession cannot maintain a suit for bare declaration.

13

10. The suit being against the Government of Mysore, this court has no jurisdiction to try it.

Wherefore the defendant prays that the suit be dismissed with costs.

I declare that what is stated above is true to the best of my knowledge and belief.

A, P. F. VI. G11

14

SUBJECT.....

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Section

File No.

Serial No.

Diary No. of letter replied to.....

No. 6879 Records

General and Revenue Secretariat

( )

the *192*

To N. Narasimha murti
Pleader, Bezwada.

Date of issue 11/5/28

Signed by MNS

Sir,

~~In reply to your letter~~
~~With reference to your~~ the
~~vernacular records and the draft~~
~~in the suit relating to Konakalla~~
~~written statement sent with your~~
~~letter Naidu's Chattram, sent~~
~~with your letter dated 4-5-28,~~

Sir,

With reference to your letter dated 4-5-28 forwarding copies of the original plaint, written statement filed by the defendant and certain

List of enclosures.....

Copied by

Examined by

Certain vernacular records

over

connected with the Suits relating to Ramappa Naidus chattram at Dharmapuri, I have the honour to send you herewith the written statement to be filed on behalf of the 2nd defendant in the Suits.

The drafts sent by you for approval as also the vernacular records are herewith returned.

I have ek

Legal Remembrancer
and Secy to Govt
Law Dept.

18/5/1